

Appl. No. 10/010,110

Amdt. Dated December 2, 2003

Reply of Office action of September 2, 2003

Remarks

Claims 1-37 are pending in the instant application. Claims 23 - 37 have been withdrawn from consideration. Accordingly, claims 1 - 22 form the subject matter of the response. Based on the amendments and remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

Election/Restriction

Applicants hereby affirm the provisional election made on July 30, 2003, to prosecute the invention of Group I, claims 1 - 22. Applicants specifically reserve the right to seek patent protection for non-elected subject matter by way of divisional application.

This election is made **with traverse**. Applicants respectfully submit that the Examiner's restriction requirement should be withdrawn. The field of search for the various configurations of the claims would be co-extensive. In addition, the various configurations are so interrelated that it would be in the public interest to allow applicants to prosecute all claims in the same application. This election of claims has been made merely to expedite the prosecution of the present application.

Rejections Under 35 U.S.C. § 102(e)

Csida does not disclose each and every element of the claimed invention.

In the Office Action mailed September 2, 2003, the Examiner rejected claims 1, 2, 4, and 5 under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent No. 6,596,113 B2 issued July 22, 2003 to Csida et al. (hereinafter "Csida"). This rejection is respectfully **traversed**.

In order to be anticipatory, a reference must explicitly or implicitly disclose each and every element of the claimed invention. Independent claim 1 of the present invention is directed to a method for positioning side panels including, *inter alia*, "positioning the side

panels within fluid flow devices, each fluid flow device defining a side panel transport path which is disposed at an angle with respect to the pant transport plane..." (emphasis added).

Csida does not disclose (either explicitly or implicitly) each and every element of the claimed invention. That is, Csida does not disclose fluid flow devices that define a side panel transport path which is disposed at an angle with respect to the pant transport plane. Applicants recognize that Csida discloses the use of fluid flow devices, however, the fluid flow devices of Csida do not define a transport path which is disposed at an angle with respect to the pant transport plane. An example of this element of the present invention is representatively illustrated in Figs. 25 – 28 of the application.

The Examiner asserts that Figs. 13-14 and 16-18 of Csida disclose "side panels [moving] in a transport path which is angled from the transport plane..." (Page 4 of the Office Action dated September 2, 2003). Nonetheless, the Examiner's focus on the movement of the side panels is inappropriate with respect to claim 1 of the present invention. Claim 1 is directed to fluid flow devices defining a side panel transport path which is disposed at an angle with respect to the pant transport plane. In particular, Csida is silent regarding the relationship of the side panel transport path defined by the fluid flow devices relative to the pant transport path. Accordingly, Applicants assert that independent claim 1 is patentable over Csida.

With respect to independent claim 4 of the present invention, it is directed to a method for positioning side panels that includes, *inter alia*, "positioning the side panels within fluid flow devices located on opposite sides of a machine center line, each fluid flow device oriented at an angle with respect to the pant transport plane." As with independent claim 1, Csida does not disclose (either explicitly or implicitly) each and every element of the claimed invention. That is, Csida does not disclose fluid flow devices oriented at an angle with respect to the pant transport plane. As mentioned above, the Examiner's attentiveness to the movement of the side panels of Csida is not pertinent to the element of fluid flow devices oriented at an angle as recited in claim 4.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent claims 1 and 4 are patentable under 35 U.S.C. 102(e) over Csida. In addition, claim 2, which depends from claim 1, and claim 5, which depends from claim 4, are also likewise patentable over Csida.

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Allowable Subject Matter

Claims 7 – 22 were indicated to be allowable. Claims 3 and 6 were indicated to be allowable if rewritten in independent form. As it is believed that independent claims 1 and 4 are also allowable, Applicants have not chosen to rewrite claims 3 and 6 in independent form at this time. The Examiner is thanked for recognizing the allowability of these claims.

Applicants note the Examiner's reasoning for finding that claims 3, 6 and 7 – 22 include allowable subject matter. For the record, Applicants believe that claims 3, 6 and 7 – 22 are allowable for at least the reasons provided by the Examiner.

Prior Art Made Of Record

Applicants have reviewed the references cited by the Examiner but not relied upon in rejecting the claims. However, Applicants assert the cited references fail to teach or suggest the inventions recited in the rejected claims. Accordingly, the pending claims are patentable over such references.

Information Disclosure Statements

The Examiner's attention is drawn to the Information Disclosure Statements that were submitted on February 2, 2002, April 17, 2002, October 28, 2002 and June 30, 2003. The Examiner is requested to make of record receipt and review of the documents listed therein.

In conclusion, and in view of the above amendments and remarks, reexamination, reconsideration and withdrawal of the rejections of claims 1, 2, 4 and 5 under 35 U.S.C. § 102 are respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in condition for allowance and such action is earnestly solicited. If the Examiner has any questions or if there are any remaining issues that can be handled by telephone, the Examiner is invited to contact the undersigned at (920) 721-3862.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Mary L. Roberts, hereby certify that on December 2, 2003, this document is being sent by facsimile transmission addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA to RightFax number (703) 872-9310.

By: 

Mary L. Roberts